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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/526,710 | 11/15/2005 | Naohiko Shiga | 4265-0059WOUS | 7450 |
| 35301 7590 12/10/2007 MCCORMICK, PAULDING & HUBER LLP CITY PLACE II 185 ASYLUM STREET HARTFORD, CT 06103 | | | EXAMINER PIPALA, EDWARD J | |
| | | | ART UNIT 3663 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,710

Applicant(s)

SHIGA, NAOHIKO

Examiner

Edward Pipala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to:
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's amendment and remarks of 9/5/07 in which Applicant has amended the specification as well as claims 1 and 5.

Claims 1-8 are presently pending.

The previous rejection under 35 U.S.C. 112, second paragraph, has been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawanobe et al. (P.N. 6,037,727).

With respect to independent claim 1, Applicant's attention is directed to figure 14 of Kawanobe et al., which shows the operation of a manual/auto exchange control process which takes place when it is determined that the door speed is less than a predetermined rapid speed (step S65), and that a manual recognition speed is less than or equal to a door speed for a fixed time period (steps S66 and S67, and which would also include a stopped condition), where steps S76, S77 and S78 further teach detecting whether the vehicle is on level ground, on an upward slope or on a downward slope, respectively. Steps S68 and S69 teach a low driving force mode by virtue of a

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half-clutch engagement cognition, where steps S70 and S71 determine if the door speed is greater than a specified (half-clutch) speed within or after a fixed time period has passed (step S71), after which the door open/close motor is operated or stopped (depending on the detected slope condition from steps S76-S78), wherein it is further inherent that the open-close component would temporarily stop at the intermediate position before returning in the opposite direction.

With respect to claim 2, and operating the automatic open-close device in the other direction of either the opening direction or the closing direction, if the move speed is not of a specified speed or higher within a specified period of time, please see figure 13 which describes reversing the drive motor direction in a "pinch" situation (in which the door speed would not be of a specified speed or higher for a period of time), and reversing the direction of operation of the drive motor.

With respect to claim 3, in which it is recited that the driving unit is stopped if a specified speed or higher can not be reached within a specified time period, please see col. 9, lines 31-54 which disclose conditions under which Kawanobe et al. determine that a pinch condition is occurring since a door speed is considerably reduced, in which case the clutch is released and the driving unit is accordingly stopped.

With respect to claim 4, in which it is recited that in a detected level mode the driving force is set to a level insufficient to move the open close component, please see col. 9, ll. 14-30 which disclose electromagnet clutch control for the conditions wherein the vehicle is on either level ground or an upward slope.

With respect to claim 5, which recites that when a vehicle is determined to be on an inclined slope that the driving force is set low enough insufficient to move the open-close component toward the downward side of the inclination, please see lines 20-30 of col. 9 which disclose supporting the weight of the door when found to be parked on a downward slope.

With respect to remaining claims 6-8, which depend from claims 1, 2 and 3 respectively, and similarly recite disconnecting the clutch of the driving unit when in both the fully closed or fully open positions as well as disconnecting the clutch when a specified speed has not been reached in a specified time period, please again see col. 9. II. 31-54 with respect to disengaging the clutch in a pinch condition when it is determined that something is restricting its movement.

Response to Arguments

3. Applicant's arguments filed 9/5/07 have been fully considered but they are not persuasive.

Applicant's amendment to claim 1 (with respect to stopping at an intermediate position), and the arguments related thereto have been fully considered but are not persuasive in that Kawanobe et al. ('727) clearly teaches and discloses operating a side door of a vehicle in such a manner so as to reduce the operational force applied to the side door open-close mechanism and clutch mechanism when the vehicle is either on level ground or situated on an incline where the side door movement would then be either with or against the direction of motion induced by the slope of the vehicle.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is 571-272-1360. The examiner can normally be reached on M-S 9:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ejp

Edward Pipala
Examiner
Art Unit 3663



JACK KEITEL
SUPERVISORY PATENT EXAMINER